

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

GROUP OF FORMER EMPLOYEES  
OF SPRAGUE CARIBE,

Plaintiff,

v.

AMERICAN ANNUITY GROUP, INC.,

Defendant.

Civil No. 04-1147 (JAF)

**O R D E R**

On September 19, 2005, we ordered the parties to conduct limited discovery on the issues of amount-in-controversy, personal jurisdiction, and venue. Docket Document No. 48. On October 31, 2005, Plaintiff submitted a motion requesting the imposition of sanctions and denial of Defendant's motion to dismiss, based upon Defendant's refusal to answer Plaintiff's discovery request regarding benefit payments made to two Sprague employees who are not parties to this dispute. Docket Document No. 49.

We have reviewed Plaintiff's motion, as well as Defendant's answers to Plaintiff's discovery request. Based upon the monetary figures listed throughout the documents submitted by Defendant, we find it exceedingly improbable that Plaintiff will satisfy the stringent amount-in-controversy requirements discussed in our earlier orders. Docket Document Nos. 20, 48.

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1           However, we are mystified by Defendant's recalcitrance in  
2           answering Plaintiff's request regarding the payments made to Rafael  
3           Semidey and Luis Pagán. Semidey and Pagán are former Sprague  
4           employees who received pension funds through an American Annuity  
5           Group account, and their discovery of those funds several years ago  
6           was the incident that alerted Plaintiff to the possibility of a claim  
7           on their behalf. Considering Defendant's blanket denial of any  
8           responsibility or knowledge regarding Plaintiff's claims (an avowal  
9           at least partially undermined by the content of the documents most  
10          recently submitted), the details regarding Semidey and Pagán's  
11          pension benefits are directly probative to the present inquiry  
12          regarding amount-in-controversy, personal jurisdiction, and venue.

13          Therefore, Defendant must file before this court a complete  
14          response, in full conformity with Plaintiff's request, **within ten**  
15          **(10) working days of this order.** We will widen the breadth of this  
16          discovery and allow for depositions to be taken if Defendant does not  
17          comply fully with this order.

18          **Within ten (10) working days after Defendant has filed its**  
19          **motion in compliance,** Plaintiff must show cause vis-a-vis their  
20          ability to satisfy the minimum amount-in-controversy threshold. If  
21          Plaintiff is unable to establish subject matter jurisdiction at that  
22          time, this case will be dismissed.

23          **IT IS SO ORDERED.**

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1 San Juan, Puerto Rico, this 7<sup>th</sup> day of November, 2005.

2 s/José Antonio Fusté  
3 JOSE ANTONIO FUSTE  
4 Chief U. S. District Judge